

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	08CR888
)	
ROD BLAGOJEVICH)	Judge James B. Zagel
)	
)	<u>UNDER SEAL</u>

REQUEST FOR RULING *INSTANTER*
ON THE REQUEST TO RECONSIDER GAG ORDER

Now Comes Defendant Rod Blagojevich, by and through his attorneys, and hereby requests that the Court rule *instante* on the request to reconsider its gag order of June 16, 2011. At a minimum, the defense seeks a partial ruling *instante*, to merely unseal the gag order. In support thereof, Defendant states the following:

BACKGROUND

On Monday, June 20, 2011, defense counsel sought a ruling on its request to reconsider the gag order, via email to the Court's clerks (in an effort to comply with the Court's directive to not alert the press corps). In response, the government sought until Wednesday, June 22, 2011 to file a response, which the Court granted.

With the government's request, defense counsel is left wondering, in the words of the Court, if the government is simply "running out the clock," with the hope that if a verdict is rendered before Wednesday, the issue would become moot.

DEFENSE REQUEST

Defense counsel at this time seeks an immediate ruling on the request to reconsider the gag order. All aspects of this order prejudice Blagojevich, and as recited in the initial defense filing, the gag on the gag order gives an improper appearance of Blagojevich's concession to negative articles and media colloquy.

Exacerbating the egregious First Amendment violation is that the public does not know about its existence.

Defense counsel seeks a ruling by the Court, *instanter*, to at a minimum make public the Court's order prohibiting public statements. By so ordering, the public would know that defense counsel is prohibited from commenting in defense of their client, and the prejudice against Blagojevich would be somewhat mitigated.

WHEREFORE, the Court should lift its June 16, 2011 order.

Respectfully Submitted,

On Behalf of Rod Blagojevich, and all
attorneys of record, including
undersigned counsel:

/s/ Lauren Kaeseberg

/s/ Sheldon Sorosky

/s/ Aaron Goldstein

/s/ Elliott Riebman

/s/ Samuel F. Adam

/s/ Sam Adam, Jr.

/s/ Michael Ettinger

Counsel of Record in this case for
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